

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

| | | |
|-------------------------------------|---|-------------------------------|
| BRET T. CULVER, | : | |
| | : | |
| Plaintiff | : | |
| | : | |
| v. | : | No. 1:01-CV-0904 |
| | : | (Judge Kane) |
| COMMONWEALTH OF | : | |
| PENNSYLVANIA, <u>et al.</u>, | : | |
| | : | (Electronically Filed) |
| Defendants | : | |

**DEFENDANTS' RESPONSE TO PLAINTIFF'S
MOTION TO COMPEL DISCOVERY**

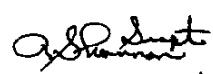
EXHIBIT A
(Cont'd)

**Defendant Shannon's Responses to First Set of Interrogatories
(Volume II)**

EXHIBIT B

Defendant Miknich's Response to Plaintiff's Interrogatories

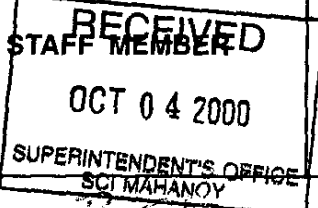
DATE: September 29, 2003

| | | | | | |
|--|--|--|---|--|---------------------|
| DC-135A SEP 23 2000 | | COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS INMATE'S REQUEST TO STAFF MEMBER | | INSTRUCTIONS Complete Items Number 1-7. If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently. | |
| 1. TO: (NAME AND TITLE OF OFFICER) | | | R. Shannon Superintendent | | 2. DATE |
| | | | | | 9-21-00 |
| 3. BY: (INSTITUTIONAL NAME AND NUMBER) | | | Brett Culver DD3483 | | 4. COUNSELOR'S NAME |
| | | | | | Barsh |
| 5. WORK ASSIGNMENT | | | 6. QUARTERS ASSIGNMENT | | |
| | | | RHU D-22 | | |
| 7. SUBJECT: STATE COMPLETELY BUT BRIEFLY THE PROBLEM ON WHICH YOU DESIRE ASSISTANCE. GIVE DETAILS. | | | | | |
| For the past two weeks while detained in RHU I have been requesting access to my Legal Materials per DC ADM 802 V A 4 DC ADM 802-2. I am requesting ALL personal Legal Materials in my property. | | | | | |
| Is it the CONTINUED position of this Administration by your authority to withhold and deny me access to my personal Legal Record/Documents/Materials and Legal Pursuits thereof? | | | | | |
| This notice will serve ^(Active) witness that any time limitations default on any pending ^(Active) pursuits during the time period I have been denied personal Legal Records/Documents/Materials while detained in RHU "Is Not My Responsibility" (9-11-00 to present.) | | | | | |
| 8. DISPOSITION: (DO NOT WRITE IN THIS SPACE) | | | | | |
| The Administration of SCI Mahanoy is fully fully responsible for Obstructing and Hindering any and all Legal or Procedural pursuits during the time period 9-11-00 till access to Legal Materials is secured. | | | | | |
| You give <u>no</u> indication here regarding who you have contacted. Try writing to Property Lt Brennan. If assistance is needed, contacted your block Lieutenant. | | | | | |
| cc: Lt Brennan Lt Hennickson | | | | | |
| <div style="text-align: right;">  22 Sep '00 </div> | | | | | |
| <input type="checkbox"/> TO DC-14 CAR ONLY | | | <input type="checkbox"/> TO DC-14 CAR AND DC-15 IRS | | |
| STAFF MEMBER | | | | | DATE |

DC-135A

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

INMATE'S REQUEST TO STAFF MEMBER



INSTRUCTIONS

Complete Items Number 1-7. If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently.

| | | |
|--|--|--|
| 1. TO: (NAME AND TITLE OF OFFICER) <i>R. Shannon Superintendent</i> | | 2. DATE <i>10-5-00</i> |
| 3. BY: (INSTITUTIONAL NAME AND NUMBER) <i>Brett Culver DD3483</i> | | 4. COUNSELOR'S NAME <i>Burski</i> |
| 5. WORK ASSIGNMENT | | 6. QUARTERS ASSIGNMENT <i>R146 D-27</i> |
| 7. SUBJECT: STATE COMPLETELY BUT BRIEFLY THE PROBLEM ON WHICH YOU DESIRE ASSISTANCE. GIVE DETAILS. <i>Unless you turn over my personal legal materials you will be charged with obstructions and hindering legal pursuits.</i> <i>Legal Materials have been denied and withheld since 9-11-00 till present, by the authority of Superintendent R. Shannon (SCI Mahanoy). The above said is not entirely accurate, you are going to be Rightfully and Honestly charged if you do turn over my legal materials.</i> | | |

8. DISPOSITION: (DO NOT WRITE IN THIS SPACE)

I have withheld nothing from you. Contact the Property Room directly as required and be specific on your request. If you run into a problem, then contact the Shift Commander. You will get whatever you need and are entitled to. Your threats have no bearing on persuading appropriate action. It will occur regardless.

R. Shannon
Supt
4 Oct '00

cc: DCFM Petruccio

Lt Hennickson - please resolve if you have
not already done so.

Lt. Brennan

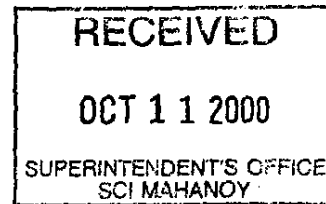
☐ TO DC-14 CAR ONLY☒ TO DC-14 CAR AND DC-15 IRS

STAFF MEMBER

DATE

October 7, 2000

SUBJECT: Administrative Denial of
Legal Materials (Personals)
While Detained in R.H.U.
9-11-00 till present.



TO: R. Shannon
Superintendent

FROM: Brett Culver DD-3483
R.H.U. D-22

Brett Culver

After trying to obtain personal Legal materials while detained in RHU since 9-11-00, ~~which~~ I was finally permitted to access my personal Legal materials at the Property Office on 10-6-00. At that time I withdrew the Legal documents I could find, that I needed, but the escort Officer put half of the documents back in storage.

Therefore, I am still unable to pursue any pending Legal pursuits due to Administrative denial of legal materials and record documentation.

Also, Legal Work/Records pursuant to Court Action to be filed that was SEIZED on 4-14-00 and never returned, and the newly prepared replacement work (Inmate assault liability action & Security liability action), WERE NOT found upon access to my personal records. These documents are missing. Letters from Attorney correspondence could not be found either.

It's possible that these documents are in my personal property "somewhere, and were overlooked. My concern is that materials I need to have in order to pursue legal endeavors were denied by the Officer that put them back in storage (to deny and withhold).

It must be of record that the SCI Mahanoy Administration and Officials thereof continue to deny/withhold/obstruct/hinder any and all personal Legal pursuits and/or remedies. These acts thereof must be considered intentions ~~to deny and withhold~~. It is also noted of record that other documents of Legal nature might have been removed or seized from my personal property.

cc: You've been given access to your property to resolve this matter.
I suggest you contact your Unit LT with any issues remaining.
cc: Lt Hennickson
Supt. Shannon 11000

J-135A

INMATE'S REQUEST TO STAFF MEMBER

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

INSTRUCTIONS

Complete Items Number 1-7. If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently.

1. TO: (NAME AND TITLE OF OFFICER)

2. DATE

3. BY: (INSTITUTIONAL NAME AND NUMBER)

4. COUNSELOR'S NAME

5. WORK ASSIGNMENT

6. QUARTERS ASSIGNMENT

7. SUBJECT: STATE COMPLETELY BUT BRIEFLY THE PROBLEM ON WHICH YOU DESIRE ASSISTANCE. GIVE DETAILS.

8. DISPOSITION: (DO NOT WRITE IN THIS SPACE)

Your issues on A 212770 have been processed and completed. I will address the matter no further.

R. Shannon

13 Nov '00

cc: DSFM Petruccio
Lt Henrickson

*R. Shannon**Superintendent*☐ TO DC-14 CAR ONLY☒ TO DC-14 CAR AND DC-15 IRS

STAFF MEMBER

DATE

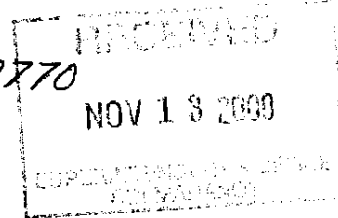
ect:

Clarification of Record
Response to Administrative
Non-Compliance to Process of #A212770

11-10-00

TO: R. Shannon Superintendent

FROM: Brett Culver DD3483 RHU D-22



You keep implying and contending that you made a DECISION RESPONSE on APPEAL #A212770 from your authority and office. (10-20-00 11-2-00 11-7-00) But the fact is, "I never received any Decision Response on Appeal #A212770 from your office. Also of fact is that I know that, "You have not made any Decision Response on Appeal #A212770 to your Office as you contend, imply, or pretend. It is you that refuses to follow procedure. It is you that prevents all these issues from being processed or even entered into record.

If any of these statements are untrue, then produce the alleged Decision Response (from your Office) on Appeal #A212770 that was never issued to me. Or are you going to imply that I'm not permitted to receive Response Decisions on the Appeals I submit for procedure process?

DC-135A

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

INMATE'S REQUEST TO STAFF MEMBER

INSTRUCTIONS

Complete Items Number 1-7. If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently.

1. TO: (NAME AND TITLE OF OFFICER)

2. DATE

3. BY: (INSTITUTIONAL NAME AND NUMBER)

Brett Culver DD3483

4. COUNSELOR'S NAME

COUNSELOR
Bars

5. WORK ASSIGNMENT

6. QUARTERS ASSIGNMENT

RHH

P-72

7. SUBJECT: STATE COMPLETELY BUT BRIEFLY THE PROBLEM ON WHICH YOU DESIRE ASSISTANCE. GIVE DETAILS.

I see that

8. DISPOSITION: (DO NOT WRITE IN THIS SPACE)

Superintendent

Р. Шиндус

Follow the proper chain of command as required.

Use the request slip format as designed.

I will not discuss previously resolved issues with you. Your complaints are repetitious and improperly submitted. You also resort to name-calling to further reinforce your inability to *Shannon* 7 Nov 00

☐ TO DC-14 CAR ONLY converse in a decent manner. ☒ TO DC-14 CAR AND DC-15 IRS

CC: DSCS Kneiss

STAFF MEMBER

LT Henrikson

Unit Mg₂ Chusma₂

DATE _____

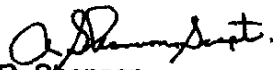
27 Nov '66

| | | | | | |
|---|--|--|------------------------|---|--|
| DC-135A | | <div style="border: 1px solid black; padding: 5px; display: inline-block;"> RECEIVED DEC 22 2000 </div> | | COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS | |
| INMATE'S REQUEST TO STAFF MEMBER | | SUPERINTENDENT'S OFFICE SCM CANOY | | INSTRUCTIONS Complete Items Number 1-7. If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently. | |
| 1. TO: (NAME AND TITLE OF OFFICER) | | | | 2. DATE | |
| R. Shannon | | | | 12-21-00 | |
| 3. BY: (INSTITUTIONAL NAME AND NUMBER) | | | 4. COUNSELOR'S NAME | | |
| Brett Culver DD3483 | | | Barsh | | |
| 5. WORK ASSIGNMENT | | | 6. QUARTERS ASSIGNMENT | | |
| | | | D-B 2D | | |
| 7. SUBJECT: STATE COMPLETELY BUT BRIEFLY THE PROBLEM ON WHICH YOU DESIRE ASSISTANCE. GIVE DETAILS. | | | | | |
| <p>If you want to try to justify the violations, now corruption, and crimes committed by your your staff, please do it with reference to DOC Directives / Policy.</p> <p>My present status of property I have left in my cell consists of: 9 Pens, Sneakers, a pair of Boots, a headphone, a Radio, a lamp, one empty footlocker, and a calculator, an extension cord, several Toilet articles.</p> <p>Now you ^(seized) can't say that I had excess or over limitations. All my property ^(seized) was in full compliance with DOC Directives / Policy / Limitations, "PRIOR" to my placement to this corrupt facility, at reception, and after, and at time of seizures.</p> <p>Please enter your reasons these items were seized after release from Vincent Mooney include: DISPOSITION: DO NOT WRITE IN THIS SPACE and not anytime prior since my reception at this facility.</p> <p>* Reasons for Art Supply Seizure? (Paint, Boards, Paper, Brushes, Pastels)</p> <p>* Reasons for Art Works Seizure?</p> <p>* Reasons Educational Study Books Cleared by Admin Exemption were Seized? (Both 12-7-00 & 12-19-01)</p> <p>* Reasons Pens were Seized (Both 12-7-00 & 12-19-00)?</p> <p>* Reasons Legal Work/Documents/Records Seized (4-13-00 / 12 9-2000 through 12-7-00)?</p> <p>* Reasons Calendar Seized?</p> <p>* Reasons Religious Pamphlets Seized?</p> <p>* Reasons Medication Seized?</p> <p>* Reasons T.V. Seized?</p> <p>* Reasons Typewriter Seized?</p> <p>* Reasons Tape Player Seized?</p> <p>* Reasons Comissary, toothbrushes, Catalogs, Headphone adapter, Typewriter Ribbons, were Seized (12-7-00/12-19-01)</p> <p>What are your justifications that all these seizures took place (resulted) after I was seized released from RHH 12-7-00, and not not any other time since my placement 12-1-99?</p> <p>Address your concerns thru the proper chain of command starting with your Unit Manager. As instructed to do so on several previous occasions.</p> <p><input type="checkbox"/> TO DC-14 CAR ONLY cc: DSM Petruccio <input checked="" type="checkbox"/> TO DC-14 CAR AND DC-15 IRS</p> | | | | | |
| STAFF MEMBER | | Lt Brennan Unit Mgr Chismar | | DATE 22 Dec 00 | |

COMMONWEALTH OF PENNSYLVANIA
Department of Corrections
SCI Mahanoy
(570) 773-2158
13 September 2001

SUBJECT: Attached Correspondence

TO: Brett Culver, DD-3483/IB

FROM: 
R. Shannon
Superintendent

As you can see by (attached), O.P.R. Director O'Hara has referred your issues back to the Institution due to your failure to pursue resolution through the proper chain of command.

I have read what was returned. I will now direct you, once again, to direct Institutional concerns to the appropriate Department Head. No further action will be done until you do so.

Attachments (3) pages

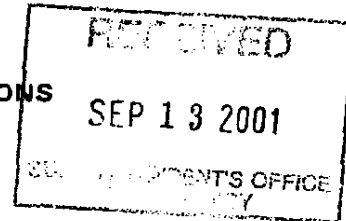
RS:prg

Cc: DSFM Petruccio
DSCS Kneiss
CHCA Cerullo
Adm. Asst. Dotter
Unit Manager Spaide (1)


file



PENNSYLVANIA DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PENNSYLVANIA 17001-0598
(717) 975-4859



September 11, 2001

Brett Culver, DD-3483 ^{IB}
State Correctional Institution Mahanoy

Dear Mr. Culver:

The Office of Professional Responsibility recently received your correspondence dated September 1, 2001.

Your correspondence is being referred to Superintendent Shannon for any action he deems appropriate. Additionally, a copy of your correspondence is being forward to the Bureau of Health Care Services.

Sincerely,

H. Clifford O'Hara
Director

Office of Professional Responsibility

HCO/yb

cc: Director McVey, BHCS (w/attachments)
Superintendent Shannon (w/attachments)

cc: DSGM, Petrusio
✓ DSCS Kreiss
✓ Higgins (2)
✓ O.M. Spade (I)
✓ DCS
[Redacted]
11

1 of 2

BRETT CULVER DD-3483
301 MOREA ROAD
FRACKVILLE, PA.17932

September 1, 2001

SUBJECT: Notification of SCI Mahanoy
Medical Department Incompetence and
Medical Charge Fraud.

Re: Medical Charge 7-27-01

TO: Department of Corrections
Office of Professional Responsibility.

FROM: Brett Culver DD-3483
301 Morea Road, Frackville, PA. 17932

The following document (Complaint/Appeal; Notification of SCI Mahanoy Medical Department Incompetence and Medical Charge Fraud, dated 9-01-01) is being directed to the Office of Professional Responsibility at Camp Hill, Pa. for reasons that this inmate is RESTRICTED from DC-ADM-804 Procedures/Process by SCI Mahanoy officials Carol N. Dotter (Grievance Coordinator), by said authority of Robert Shannon (Superintendent). Attempts to access DC-ADM-804 Procedures/Process have resulted in Administrative retaliations/hostilities/un-just punishments against this plaintiff by SCI Mahanoy Administrative officials/staff (Record documented).

Dated this 1 day of September, 2001.

Brett Culver

2 of 2
BRETT CULVER DD-3483
301 MOREA ROAD
FRACKVILLE, PA. 17932

September 1, 2001

SUBJECT: █████ Notification of SCI Mahanoy
Medical Department Incompetence and
Medical Charge Fraud.

Re: Medical Charge ~~7-27-01~~

TO: Department of Corrections
Office of Professional Responsibility.

FROM: Brett Culver DD-3483 *Brett Culver*
301 Morea Road, Frackville, PA. 17932

On 7-27-01 this plaintiff's account was again wrongfully charged (Medical Charge) via denied treatment for injuries, which injuries were incurred upon this plaintiff by direct result of DOC security breaches for which DOC authorities and their personnel are fully responsible, accountable, and liable for.

The SCI Mahanoy Administrative Medical personnel have continuously charged and defrauded monies from this plaintiff's account pursuant to plaintiff's efforts to receive adequate treatment for the injuries resulting from a stabbing assault on his person. The Medical Charge taken from this plaintiff's account on 7-27-01 was for a medical visit to renew medication treatment for said injuries, at which date and time plaintiff was charged for denied treatment (Non-compliance with DC-ADM-820 Policy).

The SCI Mahanoy Medical Departmental staff have made numerous Medical Charges to this plaintiff's account for plaintiff's efforts to pursue follow-up treatment and medications for the injuries and damages incurred from the inmate stabbing assault suffered. This plaintiff's account has been repetitiously charged and defrauded by the SCI Mahanoy Medical Department at various times 12-01-99 through 7-27-01.

This plaintiff is presently denied treatment and/or medication, for which denial of treatment this plaintiff has also been charged for (7-27-01).

Plaintiff Brett Culver DD-3483 appeals for restitution of monies charged/defrauded from his account (12-01-99 through 7-27-01), adequate treatment for the injuries/damages incurred and suffered, and compensation for expenditures and sufferings incurred/endured through the inadequacies/negligence/failures by SCI Mahanoy Administrative Medical personnel, in the reasonable amount of \$1500.00 (Fifteen Hundred Dollars and 00 cents).

COMMONWEALTH OF PENNSYLVANIA
Department of Corrections
SCI-Mahanoy
(570) 773-2158

Date: 12 May 00

SUBJECT: Superintendent's Response
Appeal of Misconduct #A159045

TO: Brett Culver, DD-3483

FROM:


R. Shannon
Superintendent

You were found guilty of the above misconduct. You appealed on the following grounds that:

- a. The procedures employed were contrary to law, Administrative Directive 801, or to the ICU Consent Decree;
- b. The punishment is disproportionate to the offense;
- c. The evidence was insufficient to support the decision.

I have reviewed this misconduct and the Program Review Committee's decision and your appeal with the following results:


- ☒ APPEAL DENIED
- ☐ APPEAL SUSTAINED
- ☐ APPEAL IS BEING RETURNED FOR INSUFFICIENT INFORMATION

RATIONALE:

In support of your claims you quote only a portion of the handbook. The bottom line is that newspapers are permitted to be exchanged cell to cell, **not** to be taken off the block. Once off the block, it becomes contraband/borrowed property of others.

No one has **accused** you of anything. Staff reported the facts, facts that you do not dispute. The Hearing Examiner found you guilty, then issued the lenient sanction befitting such a minor infraction. I concur with those findings.

RDS:ms

| | | | | |
|-----|------------|-----------------|---|------|
| cc: | DSFM | Ms. Bosavage | Mr. Hornung | file |
| | DSCS | Mr. Corbacio | Control | |
| | CCPM Unell | Ms. Wildenstein |  | |

RECEIVED

MAY 11 2000

DC-141
MISCONDUCTPART II
SUPERINTENDENT'S OFFICE
HEARING AGENCYCOMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

DC Number

DD 3483

Name

Brett Culver

Institution

SCI Mahanoy A159045

No. from PART I

I was found guilty of misconduct # A159045 on 4-17-00 5-4-00 (date) by the
Hearing Committee/Examiner, and I wish to appeal that decision on the following grounds:

Check Area(s) Involved

- a. The procedures employed were contrary to law,
Administrative Directive 801, or to the ICU
Consent Decree;
- b. The punishment is disproportionate to the offense;
- c. The evidence was insufficient to support the decision.



Hearing Examiner
Disregarded DOC p. 4
CBR 5. And Based
his verdict on DOC
801-2 (A.M.C. 8.
which has already been
over-ruled by DOC p. 1
CBR 5. as established

Below is a brief statement of the facts relevant to my claim(s). It includes the identity of all
persons who may have information which may be helpful in resolving this matter.

As always, the information and accusations used
by Administrative Officials to manipulate and corrupt
DC Directives and facts are again false and in error.

#1. DOC Handbook establishes that inmates are permitted
to pass Newspapers and Magazines. Therefore the
Newspaper in question is not Contraband.

#2. PRC Officials Falsely accuse that I was passing
newspapers in the Program Service Building.
This is an out-right lie! The Newspaper was
in my coat pocket, as it was given to me
earlier that day on D-B Block. (See also that Tard Gillingham are
Both on D-B)

#3 The Misconduct was for the Charge of
Contraband. In fact, the Misconducts were
written on the basis that the Newspaper
was Contraband because it had Dana
Gillingham's name on it. That is the
contention in question in this Appeal. That
is the Charge of the Misconduct. The lying
allegations by CO Miknich and PRC Officials are void.
The fact that a Newspaper was in my ~~coat~~ coat pocket
has no bearing whatsoever, nor was this the offence cited.
There is no violation." WHITE-DC-15 YELLOW-Inmate

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

DC-141 Part III

Program Review Committee

☒ Misconduct Appeal☐ Periodic Review☐ Other

| DC Number | Name | Institution | Date of Review | Misconduct # |
|-----------|---------------|-------------|----------------|--------------|
| DD-3483 | Culver, Brett | SCI Mahanoy | 5/4/00 | A159045 |

PROGRAM REVIEW COMMITTEE'S DECISION AND ITS RATIONALE

Inmate Culver appeals based on:

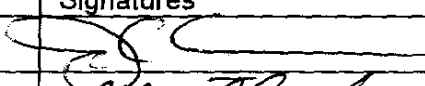
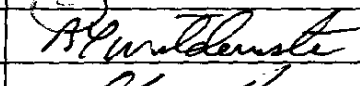
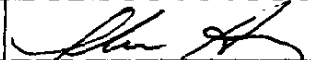
- a. The procedures employed were contrary to law, Administrative Directive 801, or to the ICU Consent Decree.

The PRC has reviewed the available information concerning this misconduct including the report of CO Miknich, the findings of the Hearing Examiner, and inmate Culver's appeal.

Inmate Culver's appeal is based on the premise it is contrary to ADM-801 or law. The PRC could find no violation of ADM-801 or law. Inmate Culver is correct in citing the inmate handbook, page 4, Cell Block Rules. It does state "Passing of items other than newspapers or magazines between cells is forbidden." The key words in that sentence are "between cells." Inmate Culver was passing a newspaper in the Program Services building, not on a cell block. It should also be noted that the Hearing Examiner offered leniency to inmate Culver by simply reducing it to a Class II misconduct, whereas under the old ADM-801, he could have received 15 days DC time. The sanction of the Hearing Examiner is sustained.

DECISION RELATIVE TO HEARING EXAMINER'S VERDICT

☐ Not Applicable ☒ Sustain ☐ Amend ☐ Refer Back for Further Study ☐ Exonerate

| Names of Program Review Committee | Signatures | Date |
|-----------------------------------|--|--------|
| John Corbacio, Activities Manager |  | 5-5-00 |
| Brenda Wildenstein, Unit Manager |  | 5-4-00 |
| Thomas Hornung, Unit Manager |  | 5/5/00 |

Submitted 4-28-00

| | | | |
|---|-----------------------------|---|-----------------------------------|
| DC-141 PART II E MISCONDUCT HEARING APPEAL | | COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS | |
| DC Number DD3483 | Name Brett Culver | Institution SCI Mahanoy | No. from PART I #A15904 |

I was found guilty of misconduct # A159045 on 4-17-00 (date) by the Hearing Committee/Examiner, and I wish to appeal that decision on the following grounds:
Check Area(s) Involved

- a. The procedures employed were contrary to law, Administrative Directive 801, or to the ICU Consent Decree;
- b. The punishment is disproportionate to the offense;
- c. The evidence was insufficient to support the decision.



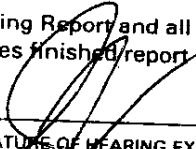
MAY 1 2000

Below is a brief statement of the facts relevant to my claim(s). It includes the identity of all persons who may have information which may be helpful in resolving this matter.

The charge being Class 1 cat B #8 Possession of Contraband must be Dismissed, as for DOC Handbook page 4 Cell Block Rules 5. States clearly that; Passing of items other than newspapers or magazines between cells is forbidden. This clear directive states that newspapers or magazines may be passed between inmates, therefore can not be considered contraband (unless stolen I suppose).

RW

| | | | | | | | |
|---|--------------------|--|---------------------------|--|----------------|----------|---|
| FORM DC-141 | | PART I | | COMMONWEALTH OF PENNSYLVANIA | | A 159045 | |
| Rev. 6-84 | | <input checked="" type="checkbox"/> MISCONDUCT REPORT <input type="checkbox"/> OTHER | | DEPARTMENT OF CORRECTIONS | | | |
| DC Number | Name | Institution | Incident Time 24 Hr. Base | Incident Date | Date of Report | | |
| DD3483 | Culver, Brett | SCIMM | 1510 | 4-13-00 | 4-13-00 | | |
| Quarters | Place of Incident | | | | | | |
| D/B #39 | PROG/SUC CO'S DESK | | | | | | |
| OTHER INMATES OR STAFF INVOLVED OR WITNESSES (CHECK I OR W) | | | | | | | |
| DC Number | Name | I | W | DC Number | Name | I | W |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| MISCONDUCT CHARGE OR OTHER ACTION | | | | | | | |
| CLASS I CAT B *B Possession of Contraband | | | | | | | |
| CLASS I CAT D *28 LOANING or borrowing Property | | | | | | | |
| STAFF MEMBER'S VERSION | | | | | | | |
| ON ABOVE date & time Inmate Culver DD3483 came to the Desk for his PASS from the Recreation Library. Inmate Culver had A newspaper with the law work on the inside of newspaper. The newspaper was Inmate Gillingham, DANA DT5265 D/B #6. Confiscated Items Receipt No* A150818. | | | | | | | |
| SSA | | | | | | | |
| IMMEDIATE ACTION TAKEN AND REASON | | | | | | | |
| CONTINUE present status pending further action by the hearing EXAMINER. | | | | | | | |
| PRE-HEARING CONFINEMENT | | | | | | | |
| IF YES | | | | | | | |
| <input type="checkbox"/> YES | TIME | DATE | | | | | |
| <input checked="" type="checkbox"/> NO | N/A | N/A | | | | | |
| FORMS GIVEN TO INMATE | | | | <input checked="" type="checkbox"/> REQUEST FOR WITNESSES AND REPRESENTATION | | | |
| REPORTING STAFF MEMBER SIGNATURE AND TITLE | | | | INMATE'S VERSION | | | |
| ACTION REVIEWED AND APPROVED BY RANKING C.O. ON DUTY | | | | DATE AND TIME INMATE GIVEN COPY | | | |
| SIGNATURE AND TITLE | | | | DATE TIME 24 HOUR BASE | | | |
| 6/2/00 - M. K. RICK | | | | 4-13-00 1920 | | | |
| YOUR HEARING MAY BE SCHEDULED ANY TIME AFTER DATE | | | | Signature of Person Serving Notice | | | |
| TIME | | | | Misconduct Category | | | |
| 4-15-00 0800 | | | | <input checked="" type="checkbox"/> CLASS 1 <input type="checkbox"/> CLASS 2 | | | |
| NOTICE TO INMATE | | | | | | | |
| You are scheduled for a hearing on this allegation on the date and the time indicated or as soon thereafter as possible. You may remain silent, if you wish. Anything you say will be used against you both at the misconduct hearing and in a court of law if this matter is referred for criminal prosecution. If you choose to remain silent, the hearing committee/examiner may use your silence as evidence against you. If you indicate that you wish to remain silent, you will be asked no further questions. If you are found guilty of a Class I misconduct, any pre-release status you have will be revoked. | | | | | | | |

| DC-141 Rev. 6-84 DISCIPLINARY HEARING REPORT | | PART II B COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS | | | |
|---|--|--|--|-----------------------------|--|
| DC Number DD 3483 | Name Culver | Institution SWMAH | Hearing Date 4-17-00 | Hearing Time 1205 | No. from Part I A159045 |
| INMATE PLEA | <input type="checkbox"/> Guilty <input checked="" type="checkbox"/> Not Guilty | <input type="checkbox"/> No Plea <input type="checkbox"/> Other | Verdict <input checked="" type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty | | |
| CHARGES B#8 - not guilty B#28 - not guilty | | HEARING ACTION | | | |
| FINDINGS OF FACT, VERDICT, AND SANCTIONS IMPOSED | | | | | |
| <p><i>Culver states in attached version that he is permitted to have the newspapers according to all rules. He was given the newspaper of DT 5265.</i></p> <p><i>On check the handbook, it is clear that papers are permitted to be passed from cell to cell, not to be carried around when they are out there out of the cell block.</i></p> <p><i>DT 5265 stated under oath that he gave Culver his newspaper.</i></p> <p><i>I dismiss # 28.</i></p> <p><i>I deferred for the officer's report on Culver's not guilty plea & his & his entire admission of Culver his possession of someone else's newspaper, he is guilty possession of contraband, not of another.</i></p> <p><i>Sanctions: receive contraband release to class 2</i></p> | | | | | |
| <input checked="" type="checkbox"/> YES <input checked="" type="checkbox"/> YES <input type="checkbox"/> YES <input type="checkbox"/> YES | <input type="checkbox"/> NO <input type="checkbox"/> NO <input type="checkbox"/> NO <input type="checkbox"/> NO | The inmate has heard the decision and has been told the reason for it and what will happen. The circumstances of the charge have been read and fully explained to the inmate. The opportunity to have the inmate's version reported as part of the record was given. The inmate has been advised that within 15 days a request for a formal review may be submitted and that this request must contain specific reasons for the review. | | | <i>where & where attached</i> SEE APPENDICES A |
| NAME(S) OF HEARING EXAMINER/COMMITTEE (TYPED OR PRINTED) | | Hearing Report and all appended information must be signed. Signature indicates finished report with appendices. | | | |
| J. K. KANE | |  SIGNATURE OF HEARING EXAMINER/COORDINATOR | | | |

| DC-141 Rev. 6-84 INMATE REQUEST FOR REPRESENTATION AND WITNESSES | | PART II A COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS | | |
|---|---------------|--|---------|---------------------|
| DC Number | Name | Institution | Date | Number as on Part I |
| DD3483 | Culver, Brett | SCIMAH | 4-13-00 | A159045 |
| <p>You have been charged with a misconduct. You may request assistance and/or witnesses to appear at your hearing by completing the section(s) below.</p> <p>In order to have assistance or witnesses at your hearing, you must complete this form and present all copies to one of your housing officers no later than 9:00 a.m. the first working day after you receive notice of the misconduct.</p> | | | | |
| <p>Assistance: <input type="checkbox"/> I do not request assistance <input checked="" type="checkbox"/> I request assistance by <u>Emory Smith #BH-9137 D/B</u> <i>no, not necessary, DC ADM for Sect E, 5-9</i> (The person requested must be willing to assist you)</p> <p>Witnesses: You may request witnesses in accord with DC-ADM 801. State the relevance and importance of the testimony the witness will give.</p> | | | | |
| <p style="text-align: center;">If Inmate</p> <p>1. Name of Witness: No. Quarters <u>Dana Gillingham DT-5265 D/B</u> Why is this person's testimony relevant and important? <i>He gave me the News Paper to hold. He was with me at Library, and was there when the C.O. started the incident. (Eye and ear witness.)</i></p> | | <p style="text-align: center;">DO NOT WRITE IN THIS SECTION For Use by Hearing Examiner</p> <p>Witness permitted? <i>if</i> If not, why not?</p> | | |
| <p style="text-align: center;">If Inmate</p> <p>2. Name of Witness: No. Quarters <i>I can't decipher Names</i> <u>Both Individuals who signed; Reporting Staff Member, section of DC-141</u> Why is this person's testimony relevant and important? <i>Because Staff Members Version DC-141 is untrue, and verbal testimony is required for Record, as there has been Constitutional Rights violations.</i></p> | | <p>Witness permitted? <i>no</i> If not, why not? <i>rather staff report - Report is sufficient as reported staff test would be.</i></p> | | |
| <p style="text-align: center;">If Inmate</p> <p>3. Name of Witness: No. Quarters</p> <p>Why is this person's testimony relevant and important?</p> | | <p>Witness permitted? If not, why not?</p> | | |
| <p style="text-align: center;">Inmate's Signature</p> <p><i>Brett Culver</i></p> | | <p style="text-align: center;">Hearing Examiner's Signature</p> <p><i>[Signature]</i></p> | | |
| <p>his section to be completed by Housing Officer only</p> <p>received completed form <u>0730</u> hours <u>4-14-00</u> Time Date</p> | | | | |
| <p style="text-align: center;">Housing Officer's Signature</p> <p><i>[Signature]</i></p> | | | | |

DC-141

PART II C

COMMONWEALTH OF PENNSYLVANIA

Rev. 6-84

HEARING SUPPLEMENT

INMATE VERSION AND WITNESS STATEMENTS

DEPARTMENT OF CORRECTIONS

DC Number

Name

Institution

No. from PART I

DD3483

Culver, Brett

SCIMAT

A159045

INMATE'S VERSION

4-13-00 I was on the Block waiting to go to Library at 2:30 PM. As I was going to the library, another inmate ~~asked~~^{going} with me asked me if I would put his News paper in my pocket (Coat), because he had no pockets or Coat to put or carry it in.

Went to Library for 15 min. Left was stopped by Desk C.O. who asked me if I was at Law Library. I said No. He asked me what I had. I gave him my Book that I signed-out ~~which~~ (which I never got ~~back~~ back), and my folder of Legal materials. He asked me what it was. I told him "Legal Work". He then asked me to empty my pockets, and ~~it~~^{then} gave him the rolled-up news paper, my hat, a pen, my address book, and I.D. (Oddly, The C.O. kept asking me about my VISA Card whereabouts). The C.O. tried to say that I wasn't allowed to have Legal Work. He then said I was getting a Misconduct for having Legal Work. He said he was keeping my materials, and asked if I wanted a Confiscation slip. I said Yes.

Now that this C.O. has found he ~~was~~ is wrong, and has violated my rights, his contention is a fabricated story about the Legal Work being in the news paper, as if I was hiding it, or wasn't suppose to have it or something.

As to the innuendo of the News Paper being contraband. Inmate Handbook page 4 Cell Block Rules 5 says News Papers can be passed on to other inmates. This cancels Cat D #8 (Note that DT-5265 did not receive DC Cat B #8 is also void. The Inmate Handbook, Inmate Handbook Supplement, and the Inmate Library Innuendoes has no restriction for News Papers or Legal Materials brought to Lib.

DC-154A

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

No. A 150818

Confiscated Items Receipt (Inmate)

| | | | | | |
|--|----------------|---|-----------------------|-------------------------------------|--------------|
| DC Number DD 3083 | Name Culver | Cell D/B #39 | Institution SCIMAH | Date 4-13-00 | Time 1510 |
| <input type="checkbox"/> Random Search <input type="checkbox"/> General Search <input type="checkbox"/> Investigative Search | | Misconduct Report Prepared Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | | Comment: Misconduct NO # A159045 | |
| Items Confiscated | | | Items Confiscated | | |
| 1 EA NEWSPAPER (Times-News, Erie PA) | | | | | |
| 31 pages League work & file | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| Signature and Title of Officer | | | | | |

1. DC-15

2. Deputy Superintendent for Operations

3. Inmate

DC-135A

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

INMATE'S REQUEST TO STAFF MEMBER

INSTRUCTIONS

Complete Items Number 1-7. If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently.

1. TO: (NAME AND TITLE OF OFFICER)

R. Shannon Superintendant 12-19-00

2. DATE

3. BY: (INSTITUTIONAL NAME AND NUMBER)

Brett Culver DD3483

4. COUNSELOR'S NAME

Baish

5. WORK ASSIGNMENT

6. QUARTERS ASSIGNMENT

D-B #22

7. SUBJECT: STATE COMPLETELY BUT BRIEFLY THE PROBLEM ON WHICH YOU DESIRE ASSISTANCE. GIVE DETAILS.

On this date 12-19-00 I was again harassed and threatened by SCI Mahanoy officials. Also my personal property was again accused on grounds of harassment / Administrative Retaliation for the second time in twelve days. Numerous officers were stating that they "were and will be" getting me back because I'm the most marked inmate at SCI Mahanoy, and because I was the one suing Captain Meeney (and other Meeney related comments I can't really remember because of all the threats being made by various officers at the same time.) Incidents 12-19-00 approx 8:00AM through 9:00AM, D-B Unit.

At that time a Sgt Kmiciak threatened me by saying he was going to put his boot upside my mouth.

8. DISPOSITION: (DO NOT WRITE IN THIS SPACE)

During the threats being made against my person by SCI Mahanoy officials, other officers seized personal property left over from the seizures of 9-11-00, 12-7-00. All items taken/seized are in full compliance with D.C. Directives/Policy and/or covered by documented Administrative clearance.

You are liable for the compensation of these items/property.

1 Zenith 13" Color TV! \$225.00
1 Smith Corona Typewriter + Ribbon \$230.00
1 Caliform Tape Player \$50.00
6 Books \$30.00
1 Calendar, 2 Toothbrushes, Under Catalog 118 Thornapple \$7.00
2 Pens, 1 headphone adapter.

} \$537.00

Follow the proper chain of command with your complaints as instructed previously.

☐ TO DC-14 CAR ONLY

☒ TO DC-14 CAR AND [REDACTED] RS

CC: DSRM Petruccio

STAFF MEMBER

Unit Mgr Chismar

[Signature]

DATE

19 Dec 00

| | | |
|--|---|------|
| DC-135A INMATE'S REQUEST TO STAFF MEMBER | COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS INSTRUCTIONS Complete Items Number 1-7. If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently. | |
| 1. TO: (NAME AND TITLE OF OFFICER) | 2. DATE | |
| 3. BY: (INSTITUTIONAL NAME AND NUMBER) | 4. COUNSELOR'S NAME | |
| 5. WORK ASSIGNMENT | 6. QUARTERS ASSIGNMENT | |
| 7. SUBJECT: STATE COMPLETELY BUT BRIEFLY THE PROBLEM ON WHICH YOU DESIRE ASSISTANCE. GIVE DETAILS. | | |
| <i>A slight error was made in the estimate of property items seized 12-19-00.</i> | | |
| <i>The estimate value for reimbursement is \$542.00</i> | | |
| <i>Please acknowledge this correction estimate in reference to the incident report dated 12-19-00. There This is the correction to the \$537.00 estimate.</i> | | |
| <i>I have just discovered that a pair of shoe strings is also missing and needs to be added to the seizure list.</i> | | |
| 8. DISPOSITION: (DO NOT WRITE IN THIS SPACE) | | |
| <i>By all rights I think I should also "Re-file" for compensation for the 2 Mirrors, 2 Paetel Sets, Cosmetics bought & paid for from/through the D.O.C. that were also seized by SCI Mahanoy in very prior incidents of report 4-28-00 and 6-30-00/7-29-00.</i> | | |
| STAFF MEMBER | | DATE |

☐ TO DC-14 CAR ONLY

☐ TO DC-14 CAR AND DC-15 IRS

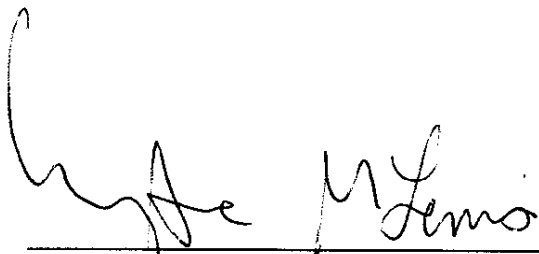
**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

| | | |
|--------------------------------------|---|-------------------------|
| BRET T. CULVER, | : | |
| | : | |
| Plaintiff | : | |
| | : | |
| v. | : | No. 1:01-CV-0904 |
| | : | (Judge Kane) |
| T. E. MIKNICH, <u>et al.</u>, | : | |
| | : | |
| Defendants | : | |

CERTIFICATE OF SERVICE

I, Maryanne M. Lewis, Deputy Attorney General, hereby certify that on this date I caused to be served the foregoing Defendant Shannon's Responses to First Set of Interrogatories, by depositing a copy of the same in the United States mail, postage prepaid, in Harrisburg, PA., addressed to the following:

Brett T. Culver
SCI-Mahanoy
301 Morea Rd.
Frackville, PA 17932



MARYANNE M. LEWIS
DEPUTY ATTORNEY GENERAL

DATE: April 3, 2002

cr 0
x/3

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BRET T. CULVER,

Plaintiff

v.

T. E. MIKNICH, et al.,

Defendants

:
:
:
:
:
:
:
:
:
:
:

No. 1:01-CV-0904
(Judge Kane)

DEFENDANT MIKNICH'S RESPONSE TO
PLAINTIFF'S INTERROGATORIES

Defendant Thomas E. Miknich, through his attorneys, answers plaintiff's
interrogatories as follows:

1. What is your full name and address ?

ANSWER:

Thomas Edward Miknich
State Correctional Institution at Mahanoy
Frackville, Pennsylvania

2. Have you been employed as a D.O.C. employee during the period of
December , 1999 through February, 2002 ?

ANSWER: Yes.

3. On the following date of April 13, 2000 did you seize and remove from
plaintiff personal property namely, legal documents ?

ANSWER: On April 13, 2000, a newspaper and 31 pages of legal work were confiscated pursuant to the issuance of Misconduct No. A159045.

4. If yes to # 3, what were your reasons for seizing plaintiff's legal documents?

ANSWER: On April 13, 2000, a newspaper and 31 pages of legal work were confiscated pursuant to the issuance of Misconduct No. A159045.

5. Describe what violations you observed by the plaintiff which caused you to detain plaintiff, conduct two body searches on his person and subsequently seize the plaintiffs personal property of legal documents/records.

ANSWER: See Exhibit "A" attached. By way of further response, defendant Miknich did not conduct two body searches of the plaintiff; rather conducted a random pat down search of plaintiff.

6. On the day of 4-13-00, were you instructed by anyone to intercept, detain or search the plaintiff as he left the institution as he left the Institution Library in route to D-B Housing Unit?

ANSWER: No.

7. If yes to #6, cite name of any person who advised or instructed the action taken and explain what instructions were given to you pertaining to the action taken, or concerning the plaintiff.

ANSWER: N/A

8. Did you view and inventory the legal documents seized from plaintiff ?

ANSWER: The documents that were confiscated were inventoried. See Confiscation Slip No. A 150818 attached to Exhibit "A."

9. Explain the reason you retained the legal documents and denied the return of plaintiff's personal property of legal documents /records?

ANSWER: On April 13, 2000, a newspaper and 31 pages of legal work were confiscated pursuant to the issuance of Misconduct No. A159045. See Exhibit "A."

Subsequent to the issuance of Misconduct No. A159045, the documents were placed in an envelope, labeled and sealed. Confiscation Slip No. 150818 was placed on the front of the envelope and the envelope was taken to property room, pending the disposition of the misconduct.

10. Did you in any way document the seizure or seized items, namely the personal property of legal documents and records belonging to the plaintiff ?

ANSWER: The documents that were confiscated were inventoried. See Confiscation Slip No. A 150818 attached to Exhibit "A."

11. What did you do with plaintiff's personal property, namely the personal property of the legal documents and records belonging to the plaintiff ?

ANSWER: Subsequent to the issuance of Misconduct No. A159045, the documents were placed in an envelope, labeled and sealed. Confiscation Slip No. 150818 was placed on the front of the envelope and the envelope was taken to property room, pending the disposition of the misconduct.

12. Cite names, badge or identification number of any person who were present at the incident time of seizure or time of plaintiff's detainment during the incident, and/or all persons present at any time during incident of 04-13-00 who did not might have viewed the items seized from the plaintiff by your person.

ANSWER: I do not recall.

13. Cite names, badge or identification number of any person whom you turned the plaintiff's property over to, namely the seized legal documents/records of 04-13-00, including the date and time the seized legal documents/records belonging to plaintiff were turned over to said persons responsibility.

ANSWER: Subsequent to the issuance of Misconduct No. A159045, the documents were placed in an envelope, labeled and sealed. Confiscation Slip No. 150818 was placed on the front of the envelope and the envelope was taken to property room, pending the disposition of the misconduct. I do not recall who I handed the envelope in the property room.

14. At any time during your employment by the D.O.C. have you ever been cited, reprimanded, investigated, reassigned or re-located pursuant to reports, complaints, incidents, altercations, or instances of allegations or violations and misconducts in relationship to treatment or actions reported/filed by other persons (alleged, confirmed or dismissed)?

ANSWER: **OBJECTION.** The defendant OBJECTS to this interrogatory as vague, overbroad and irrelevant to plaintiff's claim.

15. If yes to # 13 [sic], cite dates and describe subject matter or instances of violation and/or misconduct you were cited, reported for, or accused ?

ANSWER: **OBJECTION.** The defendant OBJECTS to this interrogatory as vague, overbroad and irrelevant to plaintiff's claim.

16. To your knowledge. Do you or any other employees have knowledge of any item mentioned or described herein being altered (including statements, reports, documents), lost or destroyed ?

ANSWER: No.

17. If yes to # 15[sic].

(a) Explain;

(b) Cite instances, items, dates;

(c) Cite names and addresses of any persons involved or who have knowledge relevant to the events or subject matter described in either Civil Action 1:01-CV-00904 or theses interrogatories.

ANSWER:

(a)(b) N/A

(c) See Exhibit "A" attached.

SCI MAHANAY SUPT OFF

5706213138

04/02/02 15:59 :03/03 NO:678

FILE No.587 04/02 '02 13:18 D:OFFICE OF ATTY. GENERAL

FAX: 724526

PAGE 10/ 51

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

BRET T. CULVER,**Plaintiff****v.****T. E. MIKNICH, et al.,****Defendants**:
:
:
:
:
:
:
:
:
:
:
:**No. 1:01-CV-0904
(Judge Kane)**

VERIFICATION OF THOMAS E. MIKNICH


I, THOMAS E. MIKNICH hereby states, he has read the responses to plaintiff's interrogatories, and that the facts set forth therein are true and correct to the best of his knowledge, information, and belief.

4-2-02
DATE


THOMAS E. MIKNICH

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

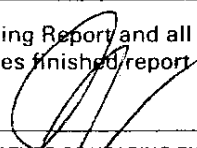
By: 
MARYANNE M. LEWIS
Deputy Attorney General

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

Office of Attorney General
15th Flr., Strawberry Sq.
Harrisburg, PA 17120
FAX: (717) 772-4526
Direct Dial: (717) 787-9719
DATE: April 3, 2002

MIKNICH - EXHIBIT "A"

[illegible]

| | | | | | | | |
|--|-----------------------|---|--------------------------------|--|-----------------------------------|--|--|
| DC-141 Rev. 6-84 | | PART II B | | COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS | | | |
| DISCIPLINARY HEARING REPORT | | | | | | | |
| DC Number DD 3483 | Name CULVER | Institution SWMAH | Hearing Date 4-17-00 | Hearing Time 1205 | No. from Part I A159045 | | |
| INMATE PLEA | | <input type="checkbox"/> Guilty <input checked="" type="checkbox"/> Not Guilty | | <input type="checkbox"/> No Plea <input type="checkbox"/> Other | | Verdict <input checked="" type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty | |
| HEARING ACTION | | | | | | | |
| CHARGES B#8 - not guilty B#28 - not guilty | | | | | | | |
| FINDINGS OF FACT, VERDICT, AND SANCTIONS IMPOSED | | | | | | | |
| <p><i>Culver states in attached version that he is permitted to have the newspaper according to all black rules. He was given the newspaper of DT 5265.</i></p> <p><i>On checking the handbook, it is clear that papers are permitted to be passed from cell to cell, not to be carried around when they are out their out of the cell block.</i></p> <p><i>DT 5265 stated under oath that he gave Culver his newspaper.</i></p> <p><i>I dismiss # 28.</i></p> <p><i>I deferred for the officer's report over Culver's not guilty plea & his & his entire admission of Culver has in possession of someone else's newspaper, he is guilty possession of contraband, not of another.</i></p> <p><i>Sent to - needs contraband review to class 2</i></p> | | | | | | | |
| <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | | <input type="checkbox"/> YES <input type="checkbox"/> NO | | <input type="checkbox"/> YES <input type="checkbox"/> NO | | <input type="checkbox"/> YES <input type="checkbox"/> NO | |
| The inmate has heard the decision and has been told the reason for it and what will happen. | | The circumstances of the charge have been read and fully explained to the inmate. | | The opportunity to have the inmate's version reported as part of the record was given. | | The inmate has been advised that within 15 days a request for a formal review may be submitted and that this request must contain specific reasons for the review. | |
| NAME(S) OF HEARING EXAMINER/COMMITTEE (TYPED OR PRINTED) J. K. KANE | | | | Hearing Report and all appended information must be signed. Signature indicates finished report with appendices.  SIGNATURE OF HEARING EXAMINER/COORDINATOR | | | |

SEE APPENDICES

| DC-141 Rev. 6-84 INMATE REQUEST FOR REPRESENTATION AND WITNESSES | | PART II A | | COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS | |
|--|---------------|-------------|---|---|--|
| DC Number | Name | Institution | Date | Number as on Part I | |
| DD3483 | Culver, Brett | SCIMAH | 4-13-00 | A159045 | |
| <p>You have been charged with a misconduct. You may request assistance and/or witnesses to appear at your hearing by completing the section(s) below.</p> <p>In order to have assistance or witnesses at your hearing, you must complete this form and present all copies to one of your housing officers no later than 9:00 a.m. the first working day after you receive notice of the misconduct.</p> | | | | | |
| <p>Assistance: <input type="checkbox"/> I do not request assistance <input checked="" type="checkbox"/> I request assistance by <u>Emory Smith #BH-9137 DIB</u> <u>no, not necessary, DC</u> (The person requested must be willing to assist you) <u>ADM for Sect E, 5-9</u></p> <p>Witnesses: You may request witnesses in accord with DC-ADM 801. State the relevance and importance of the testimony the witness will give.</p> | | | | | |
| <p>If Inmate</p> <p>1. Name of Witness: No. Quarters</p> <p><u>Dana Gillingham DT-5265 DIB</u></p> <p>Why is this person's testimony relevant and important?</p> <p><u>He gave me the News Paper to hold.</u> <u>He was with me at Library, and</u> <u>was there when the C.O. started the</u> <u>incident. (Eye and ear witness.)</u></p> | | | <p>DO NOT WRITE IN THIS SECTION For Use by Hearing Examiner</p> <p>Witness permitted? <input checked="" type="checkbox"/> If not, why not?</p> | | |
| <p><u>I can't decipher Names</u></p> <p>2. Name of Witness: No. Quarters</p> <p><u>Both Individuals who signed; Reporting Staff.</u> <u>Member section of DC-141</u></p> <p>Why is this person's testimony relevant and important?</p> <p><u>Because Staff Members</u> <u>Version DC-141 is untrue,</u> <u>and verbal testimony is required for Record,</u> <u>as there has been Constitutional Rights violations.</u></p> | | | <p>Witness permitted? <input checked="" type="checkbox"/> If not, why not?</p> <p><u>Neither staff report - Report is</u> <u>sufficient as reported staff test would</u> <u>be.</u></p> | | |
| <p>If Inmate</p> <p>3. Name of Witness: No. Quarters</p> <p>Why is this person's testimony relevant and important?</p> | | | <p>Witness permitted? <input type="checkbox"/> If not, why not?</p> | | |
| <p><u>Brett Culver</u></p> <p>Inmate's Signature</p> | | | <p><u>[Signature]</u></p> <p>Hearing Examiner's Signature</p> | | |
| <p>This section to be completed by Housing Officer only</p> <p>Received completed form <u>0730</u> hours <u>4-14-00</u></p> <p>Time Date</p> <p><u>[Signature]</u></p> <p>Housing Officer's Signature</p> | | | | | |

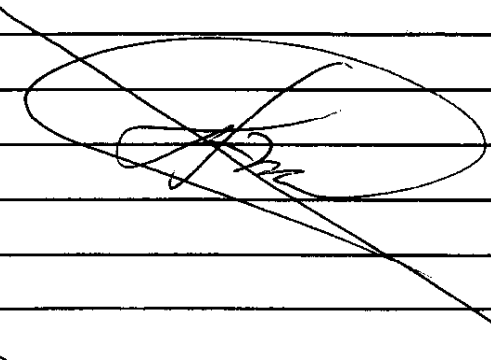
| DC-141 PART II C | | COMMONWEALTH OF PENNSYLVANIA | |
|--|---------------|------------------------------|-----------------|
| Rev. 6-84 HEARING SUPPLEMENT | | DEPARTMENT OF CORRECTIONS | |
| INMATE VERSION AND WITNESS STATEMENTS | | | |
| DC Number | Name | Institution | No. from PART I |
| DD3483 | Culver, Brett | SCIMAH | A159045 |
| INMATE'S VERSION | | | |
| <p>4-13-00 I was on the Block waiting to go to Library at 2:30 PM. As I was going to the library, another inmate was ^{going} with me asked me if I would put his News paper in my pocket (Coat), because he had no pockets or Coat to put or carry it in.</p> <p>Went to Library for 15 min. Left was stopped by Desk C.O. who asked me if I was at Law Library. I said No. He asked me what I had. I gave him my Book that I signed-out which (which I never got back back), and my folder of Legal materials. He asked me what it was. I told him "Legal Work". He <u>then</u> asked me to empty my pockets, and I <u>then</u> gave him the rolled-up news paper, my hat, a pen, my address book, and I.D. (Oddly, The C.O. kept asking me about my VondaCard whereabouts.</p> <p>The C.O. tried to say that I wasn't allowed to have Legal Work. He then said I was getting a Misconduct for having Legal Work. He said he was keeping my materials, and asked if I wanted a Confiscation slip. I said Yes.</p> <p>Now that this C.O. has found he was is wrong, and has violated my rights, his contention is a fabricated story about the Legal Work being in the news paper, as if I was hiding it, or wasn't suppose to have it or something.</p> <p>As to the innuendo of the News Paper being contraband; Inmate Handbook page 4 Cell Block Rules 5 says News Papers can be passed on to other inmates. This cancels Cat D #8. (Note that DT-5265 did not review DC Cat B #8 is also void. The Inmate Handbook, Inmate Handbook Supplement, and the Inmate Library Procedures has no restriction for News Papers or Legal Materials brought to Lib.</p> | | | |

DC-154A

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

No. A 150818

Confiscated Items Receipt (Inmate)

| | | | | | |
|--|----------------|---|--|-------------------------------------|--------------|
| DC Number DD 3083 | Name Culver | Cell D/B #39 | Institution SCIMAH | Date 4-13-00 | Time 1510 |
| <input type="checkbox"/> Random Search <input type="checkbox"/> General Search <input type="checkbox"/> Investigative Search | | Misconduct Report Prepared Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | | Comment: Misconduct NO # A159045 | |
| Items Confiscated | | | Items Confiscated | | |
| 1 EA NEWSPAPER (Times-News, Erie PA) | | |  | | |
| 31 pages League work & File | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| Signature and Title of Officer | | | CO' [Signature] | | |

1. DC-15

2. Deputy Superintendent for Operations

3. Inmate

10-42-00
RECEIVED
OCT 13 2000
SUPERINTENDENT'S OFFICE
SCIENCE MUSEUM

The document of reference (R.Shannon 9-5-00) manipulated and altered out of context by allegations implied by Vincent Mooney in his report of #A212770 will stand as evidence on its own merit. Document R.Shannon 9-5-00 does not violate any rule or regulation.

(Context) There is NO present attribute of "OFFENSE" nature or action in said document, or Assaultive Threat directed to Officer Minkich as Vincent Mooney implies in his fraudulent report of #A212770. There is absolutely NO Threat contained in said document (R.Shannon 9-5-00) as evidenced in its documented context of record.

The document itself was drafted "as my person suffered (and continues to suffer) Retaliatory oppression and acts of Harassment by Administrative Officials at SCI Mahanoy."

The document was drafted and produced as a only alternative means (or ability) of witness protection measures to the ongoing (possibly, conspired) suffered violations (attacks) being committed against my person. The document R.Shannon 9-5-00 was drafted as witness protection to events being committed against me, and for documentation evidence for Legal Actions in a Court of Law to secure presently denied relief.

This drafted documentation (R.Shannon 9-5-00) is witness evidence and confirmation that "I am not responsible for, nor am I the perpetrating offender of these violations and attacks being made against my person. And that I am not responsible for anything that might take place or result in any (possible) vicariance or situation instigated or forced against my person by the Offending violators." This does NOT constitute a Threat to the Offenders committing violations against PAE.

The drafted document (R.Shannon 9-5-00) was submitted to your office and personally reviewed by your authority 9-5-00 (on or about). NO Threat was determined by your personal review of said document. And as testimony to your personal review you enter that the issues of complaint be investigated one week after you referred the issues of complaint to Major McGrady, a Captain Moore calls me to his office and demands the names of employees mentioned in the document as informants, and has me taken to RHU for my refusal to divulge the names of employee informants. Vincent Mooney NEVER asked me anything about a non-existent Threat made to Officer Minkich, and his report of #A212770 is fraudulent as reported (a week after received by R.Shannon). Captain Mooney's report evidences by his own "motivating reason" that I was subjected to RHU detention for the "real reason" of: MY FAILURE TO COOPERATE WITH HIS DEMANDS; and not some fabricated implications of a NON-EXISTANT Threat to Officer Minkich. This is confirmed by Edgar Kneiss in his response 9-22-00, with reply of 9-25-00.

A212770, and the suffered sanctions thereof, are a direct violation of DC-ADM 27 A, B, C. as implemented by Captain Vincent Mooney via documented report of official acts of Harassment submitted in R.Shannon 9-5-00. (on 9-5-00 to R.Shannon).

The document 9-5-00 (R.Shannon) stands on its own merit in testimony. A decision will have to be made to either: uphold Honest Professional Integrity and correct the situation in violation OR to compromise justice in a decision to submit to and support a retaliatory sanction and action imposed for non-cooperation to Captain Vincent Mooney's demands (which were in fact he even implies in his dishonest fraudulent report #A212770).

To it the position of your authority to compromise justice in this matter and submit to the actions of Vincent Mooney to, Swe-face for your Administrative under-lings.

| | | | |
|---|--|---|--|
| DC-135A | | COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS INSTRUCTIONS <i>Complete Items Number 1-7. If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently.</i> | |
| INMATE'S REQUEST TO STAFF MEMBER | | | |
| 1. TO: (NAME AND TITLE OF OFFICER) | | 2. DATE | |
| 3. BY: (INSTITUTIONAL NAME AND NUMBER) | | 4. COUNSELOR'S NAME | |
| 5. WORK ASSIGNMENT | | 6. QUARTERS ASSIGNMENT | |
| 7. SUBJECT: STATE COMPLETELY BUT BRIEFLY THE PROBLEM ON WHICH YOU DESIRE ASSISTANCE. GIVE DETAILS. | | | |
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| 8. DISPOSITION: (DO NOT WRITE IN THIS SPACE) | | | |
| <p>Returned w/o action. Inappropriately filed.</p> <p>cc: (62-15)</p> <p>R. Shannon Superintendent</p> <p>Q.S. 16 Oct '00</p> | | | |
| <input type="checkbox"/> TO DC-14 CAR ONLY | | <input type="checkbox"/> TO DC-14 CAR AND DC-15 IRS | |
| STAFF MEMBER | | DATE | |

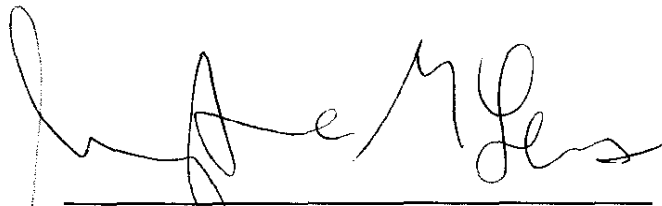
**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

| | | |
|-------------------------------|---|-------------------------|
| BRET T. CULVER, | : | |
| | : | |
| Plaintiff | : | |
| | : | |
| v. | : | No. 1:01-CV-0904 |
| | : | (Judge Kane) |
| T. E. MIKNICH, et al., | : | |
| | : | |
| Defendants | : | |

CERTIFICATE OF SERVICE

I, Maryanne M. Lewis, Deputy Attorney General, hereby certify that on this date I caused to be served the foregoing Defendant Miknich's Responses to First Set of Interrogatories, by depositing a copy of the same in the United States mail, postage prepaid, in Harrisburg, PA., addressed to the following:

Brett T. Culver, #DD-3483
SCI-Mahanoy
301 Morea Rd.
Frackville, PA 17932



MARYANNE M. LEWIS
DEPUTY ATTORNEY GENERAL

DATE: April 3, 2002